

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6181 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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AJ ACHARYA

Versus

STATE OF GUJARAT

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Appearance:

MR IS SUPEHIA for Petitioner

SERVED BY DS for Respondent No. 1

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 22/09/97

ORAL JUDGEMENT

Heard the learned Advocate for the parties. This Court had declined interim relief by order dated 26.8.1997 on the ground that the impugned order changing the petitioner's headquarters has not been served upon him. The petitioner has produced order dated 14.8.1997 whereby during suspension, his headquarters has been changed from Himatnagar to Ahwa, District Dang. The petitioner is under suspension since April, 1996. The

learned Advocate for the petitioner has also invited my attention to an unreported decision of this Court dated 14.3.1997 rendered in Civil Application No.7909/96 in Civil Application No.3243/95 with Special Civil Application No.3243/95.

2. Having heard the Mr D A Bambhania, learned AGP appearing for the State and taking into consideration all the facts of the case, I am not satisfied that there was any justified ground to change the headquarters of the petitioner from Himatnagar to Ahwa, District Dang. I am also surprised that the petitioner is under suspension for more than a year. In view of this, the respondent is directed to complete the departmental enquiry within a period of two months. In case the departmental enquiry is not completed within the said period, the Government will review and consider whether the continuance of suspension of the petitioner is necessary. It will also be open to the petitioner to approach this Court in the matter of continuance of suspension.

3. In view of the above, this Special Civil Application is allowed. Rule made absolute to the aforesaid extent.

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msp.